

HB 1413

2007

1 A bill to be entitled

2 An act relating to the City Pension Fund for Firefighters  
3 and Police Officers in the City of Tampa, Hillsborough  
4 County; authorizing the City of Tampa to enter into a  
5 supplemental contract with certain firefighters and police  
6 officers to revise the 13th Check Program funding;  
7 providing that the act is contingent upon execution of a  
8 contract between the city and the bargaining agents for  
9 the firefighters and police officers; providing for the  
10 execution of certain supplemental contract provisions by a  
11 date certain or forever barring the receipt of benefits  
12 therein provided; confirming in part the City of Tampa  
13 Firefighters and Police Officers Contract; providing an  
14 effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. The City of Tampa is authorized and empowered  
19 to enter into a supplemental contract with each and every  
20 firefighter or police officer who was an active member of the  
21 City Pension Fund for Firefighters and Police Officers in the  
22 City of Tampa on or after the date this act becomes a law, or  
23 who hereafter enters into a pension contract with the City,  
24 amending Section 27(B)(1) of the City of Tampa Firefighters and  
25 Police Officers Pension Contract as prescribed by Section 28-17  
26 of the City of Tampa Code [Ordinance No 4746-A, enacted  
27 September 30, 1969], as amended by Section 28-19 of the City of  
28 Tampa Code [Ordinance No. 6038-A, enacted September 17, 1974],

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1413-00

29 | pursuant to chapter 74-613, Laws of Florida, as further amended  
 30 | by Ordinance No. 89-314, enacted December 21, 1989, and  
 31 | approved, ratified, validated, and confirmed by chapter 90-381,  
 32 | Laws of Florida, and as further amended by chapter 92-231, Laws  
 33 | of Florida, chapter 94-463, Laws of Florida, chapter 98-515,  
 34 | Laws of Florida, chapter 2000-485, Laws of Florida, Ordinance  
 35 | No. 2001-133, enacted July 3, 2001, chapter 2001-288, Laws of  
 36 | Florida, chapter 2002-369, Laws of Florida, and Ordinance No.  
 37 | 2003-22, enacted January 23, 2003, and chapter 2004-427, Laws of  
 38 | Florida, to read:

39 |       Section 27(B)(1). There is hereby created a 13th check  
 40 | account within the Fund, which shall consist of those employees'  
 41 | contributions set forth in subparagraph 27(B)(2) in excess of  
 42 | those contributions otherwise required by Section 2 for the  
 43 | normal annual cost of benefits, other than benefits arising from  
 44 | post retirement adjustments made pursuant to Section 23 and  
 45 | other than benefits arising from the 13th Check Program, plus  
 46 | any interest earnings thereon up to and including September 30,  
 47 | 2001. Effective for earnings paid on the first pay date after  
 48 | October 1, 2001, employee contributions to the 13th Check  
 49 | account shall cease, and the 13th Check Account shall be funded  
 50 | by investment returns in excess of 10% (limited to 3%) on the  
 51 | base plan liabilities for persons eligible for the 13th check.  
 52 | For purposes of this Section, the "base plan" shall mean those  
 53 | assets of the fund excluding the Post Retirement Adjustment  
 54 | Account, DROP account assets, and the 13th check account. The  
 55 | amount available for the 13th check shall be calculated as of  
 56 | fiscal year end commencing September 30, 2001 for the fiscal

HB 1413

2007

57 | year ending September 30, 2001 for payment no later than June  
58 | 30, 2002 and each June 30 annually thereafter; provided,  
59 | however, the calculation of the amount payable no later than  
60 | June 30, 2002, shall include employee contributions to the 13th  
61 | check account for earnings paid through the last pay date  
62 | immediately prior to October 1, 2001. Effective October 1, 2007,  
63 | the 13th Check Account shall be funded by investment returns in  
64 | excess of 10 percent (limited to 1 percent) on the base plan  
65 | plus the Post Retirement Adjustment Account market value of  
66 | assets at each fiscal year ending September 30. For purposes of  
67 | this section, the term "base plan" means those assets of the  
68 | fund excluding the Post Retirement Adjustment Account, DROP  
69 | account assets, and the 13th Check Account. The amount available  
70 | for the 13th Check shall be calculated as of fiscal year end  
71 | commencing September 30, 2007, for the fiscal year ending  
72 | September 30, 2007, for payment no later than June 30, 2008, and  
73 | each June 30 annually thereafter. The City shall not be required  
74 | to make contributions to the 13th check program.

75 |       Section 2. This act is only an enabling act, and the  
76 | execution by the City of Tampa of the aforesaid supplemental  
77 | contract and entitlement to the pension benefits referred to in  
78 | this act for all firefighters and police officers, regardless of  
79 | whether in the respective certified bargaining unit for  
80 | firefighters or police officers, and the effectiveness of this  
81 | act, is contingent upon contractual agreement through the  
82 | collective bargaining process between the City of Tampa and the  
83 | respective certified bargaining agents for firefighters and  
84 | police officers.

HB 1413

2007

85           Section 3. The benefits provided for in this act and the  
86 changes to the pension contract provided for in this act for  
87 firefighters and police officers who are active members of the  
88 City Pension Fund for Firefighters and Police Officers in the  
89 City of Tampa on or after the date this act becomes a law shall  
90 be made available in a supplemental pension contract, and an  
91 individual shall not be permitted to select some of said  
92 benefits or changes and reject others of said benefits or  
93 changes. Any firefighter or police officer who is entitled to  
94 benefits under the City Pension for Firefighters and Police  
95 Officers in the City of Tampa that is actively employed as a  
96 firefighter or police officer in the City of Tampa on or after  
97 October 1, 2007, on the date this act becomes a law who fails to  
98 sign said supplemental pension contract before October 1, 2007,  
99 shall be forever barred from receiving said benefits. However,  
100 any person who becomes a member of the City Pension Fund for  
101 Firefighters and Police Officers in the City of Tampa on or  
102 after the date this act becomes law shall be required as a  
103 condition of membership into said pension fund to sign a pension  
104 contract that includes the provisions of this act, and shall be  
105 required to make contributions if required as a result of such  
106 benefits.

107           Section 4. If the City of Tampa enters into a supplemental  
108 pension contract as provided in section 1, each retired  
109 firefighter and retired police officer who is living on the date  
110 this act becomes a law, each member who retires or dies after  
111 this act becomes a law, but before October 1, 2007, and each  
112 qualifying surviving spouse who is living on the date this act

HB 1413

2007

113 becomes a law, is entitled to receive the same benefits from the  
114 13th Check Account upon the same basis as if the member's  
115 contract had been supplemented in the manner provided by section  
116 1 before the member's separation from service; provided said  
117 retired firefighters, retired police officers, and eligible  
118 surviving spouses as a condition of participation in the 13th  
119 Check Program shall be subject to the provisions of sections 24,  
120 25, and 27 of the pension contract.

121 Section 5. The City of Tampa Firefighters and Police  
122 Officers Pension Contract as prescribed by Section 28-17 of the  
123 Tampa City Code [Ordinance No. 4746-A, enacted September 30,  
124 1969], as amended by Section 28-19 of the Tampa City Code  
125 [Ordinance No. 6038-A, enacted September 17, 1974], pursuant to  
126 chapter 74-613, Laws of Florida; as further amended by Ordinance  
127 No. 89-314, enacted December 21, 1989, and approved, ratified,  
128 validated, and confirmed by chapter 90-391, Laws of Florida; and  
129 as further amended by chapter 92-231, Laws of Florida, chapter  
130 94-463, Laws of Florida, chapter 98-515, Laws of Florida,  
131 chapter 2000-485, Laws of Florida, Ordinance No. 2001-133,  
132 enacted July 3, 2001, chapter 2001-288, Laws of Florida, chapter  
133 2002-369, Laws of Florida, Ordinance No. 2003-22, enacted  
134 January 23, 2003, and chapter 2004-427, Laws of Florida, is in  
135 all other respects approved, ratified, validated, and confirmed.

136 Section 6. This act shall take effect upon becoming a law.